

Fidelity National Law Group

A Division of Fidelity National Title Group, Inc.

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Fidelity National Title Insurance Company

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KEITH BOHR and ELIZABETH
PROPP,

Plaintiff,

v.

WELLS FARGO HOME MORTGAGE,
an entity form unknown; and FIDELITY
NATIONAL TITLE INS. CO., a
business organization form unknown,
and DOES 1 to 100, inclusive,

Defendants.

CASE NO: SACV11-369-JST (MLGx)

**DECLARATION OF NON
MONETARY STATUS FILED BY
DEFENDANT FIDELITY
NATIONAL TITLE INSURANCE
COMPANY**

[Civil Code § 2924L]

I, Douglas W. Stern, say and declare as follows:

1. I am an attorney at law licensed to practice before all courts in the State of California and before this United States District Court. I am one of the attorneys for Defendant, Fidelity National Title Insurance Company.

2. I make this Declaration pursuant to California Civil Code § 2924L. Civil Code § 2924L is a provision of California substantive law addressing the liability of a trustee under a deed of trust, in circumstances where the trustee has been named in the action or proceeding in its capacity as a trustee. The purpose of this California law is to cause the trustee to be bound by whatever order or judgment is issued by the Court

1 regarding the subject deed of trust, but to otherwise not participate as a party in the
2 proceeding. This law provides that when the Declaration has been filed with the
3 Court, and the statutory conditions have been met, the trustee shall not be required to
4 participate in the action or proceeding. Nor shall the trustee be subject to any
5 monetary awards as and for damages, attorneys fees or costs, and shall only be
6 required to respond to discovery as a nonparty.

7 3. Fidelity National Title Insurance Company is the Trustee under the deed
8 of trust that is the subject of this proceeding.

9 4. Fidelity National Title Insurance Company maintains a reasonable belief
10 that it has been named as a defendant in the proceeding solely in its capacity as a
11 Trustee under the deed of trust, and not due to any wrongful acts or omissions on its
12 part in the performance of its duties as Trustee.

13 5. The basis for Fidelity National Title Insurance Company reasonable
14 belief is the language of the Complaint and Fidelity National Title Insurance
15 Company's knowledge of its status as a Trustee under the deed of trust.

16 6. Fidelity National Title Insurance Company agrees to be bound by
17 whatever order or judgment is issued by the Court regarding the subject deed of trust.

18 7. I am personally aware of the foregoing facts, and if called to testify, I
19 would and could testify competently thereto.

20 8. I declare under penalty of perjury under the laws of the United States of
21 America that the foregoing is true and correct and that this Declaration is executed this
22 21st day of March, 2011, in Irvine, California.

23
24 /s/ Douglas W. Stern
Douglas W. Stern

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of eighteen years and not a party to the within entitled action; my business address is 17911 Von Karman Avenue, Suite 300, Irvine, California 92614.

On March 21, 2011, I served the foregoing document(s) described as **DECLARATION OF NON-MONETARY STATUS TO PLAINTIFF'S COMPLAINT BY DEFENDANT FIDELITY NATIONAL TITLE INSURANCE COMPANY** on the interested parties in said action:

☐ By placing ☐ the original ☐ a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

☒ **(BY MAIL)** I deposited such envelope in an internal collection basket. The envelope was mailed with postage thereon fully prepaid from Irvine, California. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if a postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **(BY ELECTRONIC SERVICE)** Pursuant to CM/ECF System, registration as CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF system sends and email notification of the filing to the parties and counsel of record listed who registered with the Court's CM/ECF system.

☐ **(FACSIMILE)** I faxed such document from Irvine, California to the facsimile number(s) shown on the attached service list. The sending facsimile machine number is (949) 622-5756. The transmission was reported as complete and without error and the transmission report was properly issued by the transmitting facsimile machine

☐ **(FACSIMILE)** I faxed such document from Irvine, California to the facsimile number(s) shown on the attached service list. The sending facsimile machine number is (949) 622-5756.

☐ **(STATE)** I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 21, 2011, at Irvine, California.

/s/ Douglas W. Stern
Douglas W. Stern

SERVICE LIST

Bohr; Propp v. Wells Fargo; Fidelity National Title Insurance Company, et al.

USDC - CASE NUMBER: SACV11-369-JST (MLGx)

File Number: L53023

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by Merger to Wells Fargo Home
Mortgage, Inc. (erroneously sued as
Wells Fargo Home Mortgage)